

Serial No. 10/603,487

Amendment in Resp. to Off. Action of May 9, 2006

UTILITY PATENT

B&D No. JK01493

REMARKS

Applicant has amended Claims 35. Currently in the above-identified application therefore are Claims 35, 50 and 55-58.

The Examiner has rejected Claims 50 and 55-58 under 35 USC § 112, first paragraph, for failing to comply with the enablement requirement. In particular, the Examiner notes that "it is unclear how the rotatable shaft can move 'towards the front portion of the miter base and towards the rear portion.'" This rejection is respectfully traversed.

As explained in paragraph 0028 of the Specification, arm 90 has cammed surfaces 110 which push against output translation gear 50, moving it towards the front of the miter saw. Since output translation gear 50 is fixedly attached to transverse shaft 40, shaft 40 is moved towards the front portion of the miter base.

The Examiner failed to provide any response to this argument. Accordingly, Applicants request that the Examiner withdraw this rejection, or provide a response to Applicants' argument so that Applicants can properly address such counter-argument.

The Examiner rejected Claim 35 under 35 USC § 112, second paragraph, as being indefinite, as "the bevel housing" does not have proper antecedent. Applicants have amended Claim 35 to call for the "bevel support" instead of the "bevel housing."

The Examiner has rejected Claim 35 under 35 USC § 102(b) as anticipated by US Patent No. 6,067,885 ("Brunson"). Reconsideration and withdrawal of this rejection are respectfully requested.

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Claim 35, as amended, calls for a miter saw miter saw comprising a base, a bevel support pivotally attached to the base, the bevel support being pivotable about a first substantially horizontal axis, a saw assembly pivotally attached to the bevel support, the saw assembly comprising a blade, a guard for covering a portion of the blade, and a handle connected to the guard, the saw assembly being pivotable about a second substantially horizontal axis between a first position adjacent to the base and a second position away from the base, the first and second axes being substantially perpendicular, and a front bevel lock mechanism disposed on the base, comprising a grippable portion rotatably attached to the base, the grippable portion having a cam surface, a generally cylindrical shaft extending from the bevel support to the grippable portion, the generally cylindrical shaft being constructed to rotate and tension/detension the generally cylindrical shaft by operation of the cam surface, and wherein tensioning of the shaft by engagement of the cam surface results in the bevel housing being orientated in a fixed position, wherein the guard is substantially between the bevel support and the front bevel lock mechanism along a substantially horizontal direction.

Admittedly, Brunson discloses a base, a bevel support pivotally attached to the base, the bevel support being pivotable about a first substantially horizontal axis, a saw assembly pivotally attached to the bevel support, the saw assembly comprising a blade, a guard for covering a portion of the blade, and a handle connected to the guard, the saw assembly being pivotable about a second substantially horizontal axis between a first position adjacent to the base and a second position away from the base, the first and second axes being substantially perpendicular, and a front bevel lock mechanism disposed on the base.

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Brunson however does not disclose a shaft being constructed to rotate by operation of the cam surface. Instead, shaft 40 is fixedly attached to 14 and thus does not rotate when the handle 54 (and thus the cam) is rotated. The Examiner alleges that the Brunson shaft "is constructed to rotate... since it has a cylindrical shape." Applicants do not understand the Examiner's argument as many things have cylindrical shapes yet are not constructed to rotate. For example, a cylindrical light post is fixedly attached to the ground and does not rotate.

By contradistinction, Claim 35 calls for the "shaft being constructed to rotate...by operation of the cam surface." Since Brunson does not disclose such arrangement, it cannot anticipate Claim 35.

Furthermore, Brunson does not teach the blade guard being substantially between the bevel housing and the front bevel lock mechanism. Instead, the bevel housing 16 is disposed between the blade guard 20 and handle 54. The Examiner points out that the guard is between the bevel lock and the bevel support when "the saw assembly is pulled down for cutting during a cutting process."

Assuming for the sake of argument that a substantial portion of Brunson's blade guard 20 is indeed between the bevel support and the front bevel lock mechanism, such guard is not between the bevel support and the front bevel lock mechanism along a substantially horizontal direction.

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By contradistinction, Claim 35 requires that "the guard [be] substantially between the bevel support and the front bevel lock mechanism along a substantially horizontal direction." Because Brunson does not teach or suggest any of these elements, it cannot anticipate Claim 35.

In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 35, 50 and 55-58 are respectfully requested.

No fee is due for the present amendment. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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